

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD MEJIA, :  
Plaintiff, :  
-against- : 22-CV-5473 (VSB)  
MIGHTY MUG INCORPORATED, :  
Defendant. :  
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**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on June 28, 2022, (Doc. 1), and filed an affidavit of service on July 17, 2022, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was July 29, 2022. (*See* Doc. 5.) As of August 2, 2022, Defendant had not appeared or responded to the complaint. Accordingly, I ordered that if Plaintiff intended to seek a default judgment, he do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than August 8, 2022. (Doc. 6.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) Instead, Defendant appeared on August 3, 2022 and sought an extension of time to respond to the complaint. (Doc. 7.) I granted the request. (Doc. 8.) Defendant filed an answer on August 26, 2022. (Doc. 10.) On August 31, 2022, I issued an initial pretrial conference order, directing the parties to submit a joint letter and proposed case management plan and scheduling order on or before September 14, 2022. (Doc. 11.) The parties have not done so. Accordingly, the parties are hereby:

ORDERED to file the joint letter and proposed case management plan and scheduling order by no later than September 19, 2022. If the parties fail to do so, I will dismiss this case for

failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: September 15, 2022  
New York, New York

  
VERNON S. BRODERICK  
United States District Judge